

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED

UNITED STATES DISTRICT COURT

STATE OF NEW MEXICO *ex rel.*
State Engineer,

Plaintiff,
v.

RAMON ARAGON, *et al.*,

Defendants.

JAN 25 2005

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM

Rio Brazos, Section 7

Subfile No.: **CHRB-007-0027B**

CONSENT ORDER

The Court, having considered the agreement between the Plaintiff State of New Mexico and Defendant(s):

DAVID SCHWARTZ BYPASS TRUST

concerning the Defendant's right to use the public waters of the Rio Chama Stream System, as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Rio Brazos, Section 7, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendant(s) adjudicated by this order.

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4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Rio Brazos, Section 7, is set forth below:

A. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer Files No(s) 0477

Priority: Reserved for future determination by court order entered November 19, 2002.

Source of Water: Surface water of the Rio Brazos, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: PARKVIIW DITCH

Location: X= 1,571.054 feet Y= 2,087,568 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Within the Tierra Amarilla Grant	1.1 acres
Total	1.1 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHRB-007-0027B

Amount of Water: Reserved for future determination by court order entered November 19, 2002.

5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Rio Brazos, Section 7, other than those set forth in this order and those other orders entered by this Court in this cause.

6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Rio Brazos, Section 7, except in strict accordance with the water rights described herein.
7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Rio Brazos, Section 7, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Rio Brazos, Section 7, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's water rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.



UNITED STATES DISTRICT JUDGE

Recommended for approval:



Vickie L. Gabin
SPECIAL MASTER

SIGNATURE Dona del Castillo and Anlyn Kriegel, cotrustees
^{sdc}
DAVID SCHWARTZ BYPASS TRUST

ADDRESS: 20 PO Box 46
Cos Ojos NM
87551

DATE: 11/22/04

En Neuville
EDWARD G. NEWVILLE
Special Assistant Attorney General

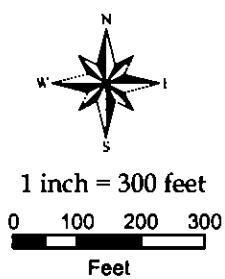
11-30-04
Date



LEGEND

- [Irrigated Tract Boundary]
- [N. Right Tract Boundary]
- [Steeped Area]
- [Operable Ditch]
- [Inoperable Ditch]
- [Stock Ponds / Reservoir]

- [Point of Diversion]
- [Well]
- [Spring]
- [Fallow]
- [NR] No Right



STATE OF NEW MEXICO
Office of the State Engineer
John R. D'Antonio, Jr., P.E.,
State Engineer

Rio Chama Hydrographic Survey
Rio Brazos Section

Subfile Number
CHRB 007-0027B
Parkview Ditch
AMENDED
September 23, 2004

